MR. PUTHUPALLY S. KRISHNA PILLAI: I beg to move that this Bill be referred to a Select Committee consisting of the following members —

Messrs. E. Subramonia Iyer
M. L. D'Cruz
C. Jebamony Nadar
M. L. Janardhana Pillai
N. V. Joseph
M. Kesava Panicker
T. C. Kesava Pillai
M. Sivathanu Pillai
Puliyoor T. P. Velayudhan Pillai
Dr. C. R. Harler, and
The Legal Remembrancer,

the Committee to report within three months.

MR. M. P. JOSEPH: I second it

The motion was put and carried.

THE TRAVANCORE SALE OF GOODS BILL.

MR. PUTHUPALLY S. KRISHNA PILLAI: I beg to introduce The Sale of Goods Bill. I may be permitted to point out that this has been drawn up on the lines of the British Indian Act. We have been generally following British Indian Law. By the enactment of this Bill we shall be making a departure on one or two points from the current of judicial decisions based on the principles of justice, equity and good conscience. One relates to the administration of partnership property on dissolution and the other in the matter of registration of partnership firms. Of course, it is not proposed to make the provision obligatory. A separate period also is provided for the coming into operation of the section. One point to be noted is that our courts sometimes rely on the Indian Contract Act for certain purposes and the English Act or the American system of jurisprudence for certain others. A desultory search for laws and principles, keeps the law and legal rights and obligations unsettled. It is proposed to bring about definiteness in these matters as far as possible. It is hoped that this measure also will contribute towards the achievement of that purpose. I move that the Bill be read in the Assembly.

MR. M. P. JOSEPH: I second it.

The motion was put and carried.

PRESIDENT: I may say in passing that the Sale of Goods Act and the Partnership Act have been drafted with the aid of very brilliant legal talents in British India and they have taken advantage not only of the best legal talents in British India but even of outside. I think it will be safe to follow the example of British India,

LIBRARY ARCHIVES Kerala Legislative Assembly

The Secretary to the Sri Mulam Assembly then read the title of the Bill—"The Travancore Sale of Goods Bill."

MR. PUTHUPALLY S. KRISHNA PILLAI: I beg to move that the Travancore Sale of Goods Bill be referred to a Select Committee consisting of the following members:

1. Sahib Bahadur V. Chandamiah
2. Mr. S. Chattanatha Karayalar
3. Mr. John Joseph
4. Mr. K. C. Karunakaran
5. Mr. T. T. Kesavan Sastri
6. Mr. Mathai Chemparathy
7. K. Narayanaperumal Nadar
8. Mr. K. R. Narayanan
9. Mr. Puliyoor T. P. Velayudhan Pillai
10. Mr. S. Narayana Pillai, and
11. Mr. Puthupally S. Krishna Pillai,

to report within three months.

MR. M. P. JOSEPH: I second it.

The motion was put and carried.

THE TRAVANCORE SPECIFIC RELIEF BILL.

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I beg to introduce the Travancore Specific Relief Bill. As many of the honourable members are aware, this is intended to operate as a supplement to the provisions contained in the Civil Procedure Code. The absence of a statute relating to this matter was not infrequently felt by courts in deciding cases relating to specific relief. For such purposes our courts have been relying on the Indian Specific Relief Act. The Indian Specific Relief Act contains the principles of the decisions of courts of equity in England. The notes on clauses will explain what exactly are the implications contained in the several clauses of the Bill. I have carefully gone through the several decisions of our courts bearing on specific relief and I may assure the members that the principle embodied in the several provisions of the Bill have been adopted and acted upon by our courts. I beg, Sir, to move that the Bill be read.

MR. M. P. JOSEPH: I second it

MR. E. SUBRAMONIA AIYER: So far as the Specific Relief Bill is concerned, as was pointed out, our courts, no doubt, grant the reliefs contemplated by this Bill. I, for one, feel that the power of the courts to mould their procedure to afford the appropriate relief in an individual case should not be limited by hard and fast rules. This Bill admittedly has very little to do with commercial business. The reasons which would apply to all the other Bills now before this House do not strictly apply to this Bill.

LIBRARY ARCHIVES Kerala Legislative Assembly